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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1996, at 10 a.m.

Chairperson: Mr. CEAUSU

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1996/SR.7/Add.1.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Spain (continued) (E/1994/104/Add.5; E/C.12/1995/LQ.2/Rev.1)

1. The CHAIRPERSON invited the Spanish delegation to reply to the questions put at the end of the preceding meeting concerning the implementation of articles 6, 8, 9 and 12.

2. Mr. GONZALEZ ESCOLAR (Spain) said that changes had been made in the conditions for award of unemployment benefit in 1992 and 1993 in order to combine effective social protection, in accordance with the Constitution, with a balanced budget. Up to 1989 the unemployment benefit budget had been in balance, but there had been a deficit of 93,800 million pesetas in 1990, 305,000 million in 1991, 283,000 million in 1992, and 369,200 million in 1993. The cost of unemployment benefit had represented 2.7 per cent of GDP in 1985 and 4.5 per cent in 1993. The number of recipients of unemployment benefit, not counting those in Andalusia and Extremadura, had increased from 870,900 in 1989 to 1,700,000 in 1993. The imbalance had been due to the economic crisis and the regulations governing temporary employment contracts which had established a minimum period of contribution of six months for receipt of unemployment benefit. Abuses had also been committed in obtaining the benefit. The 1992 Act had therefore been amended, and the minimum period for entitlement to unemployment benefit had been increased to 12 months. The method of calculating the amount of benefit had been changed. In addition, since all people living in Spain now enjoyed health insurance, unemployment benefit no longer triggered entitlement to such cover. In 1993 the legislation on the minimum level of unemployment benefit had been amended. Social security contributions were deducted from unemployment benefit. Stiffer penalties had been introduced for illegal claim of unemployment allowances. Furthermore, physical persons now had to declare any unemployment benefit to the tax authorities. Thanks to the improvement of the employment situation and the measures taken, the unemployment benefit budget was now balanced, without any change in the rate of cover.

3. Mr. AHMED said that he would like more information about the Guardia Civil trade union mentioned in a country study carried out for the Human Rights Committee. He had understood that the Constitution prohibited members of the Guardia Civil from forming trade unions.

4. Mr. WIMER ZAMBRANO said that, like Mrs. Bonoan-Dandan, he would like statistical information about Spain's shanty towns (chabolas). What central public body kept such information? And what kinds of activity did the central or local authorities carry out in the shanty towns?

5. Mr. GONZALEZ ESCOLAR (Spain), replying to Mr. Ahmed, said that the Guardia Civil was an armed force and therefore its members were not entitled to form trade unions.

6. Mr. AHMED said that he would like to know whether, notwithstanding the prohibition, there was a trade union which had not been registered by the authorities.

7. Mr. GONZALEZ DE LINARES (Spain) said that his delegation was totally unaware of any trade union of the kind. However, the body might be a corporate association and not a trade union; as such, it could carry out public activities. In reply to Mr. Grissa, he confirmed that in Spain the Guardia Civil played a role similar to that of the Gendarmerie in France; it was also responsible for customs and frontier controls.

8. Replying to another question from Mr. Grissa, he said that 64.5 per cent of the persons infected by the HIV virus in Spain were drug addicts and that 14.4 per cent of them engaged in homosexual or bisexual practices. However, the virus was increasingly transmitted heterosexually and perinatally, and 18.44 per cent of the persons infected were women. In December 1995, 11.93 per cent of cases of AIDS in the world had been recorded in Europe, including 2.68 per cent in Spain, 2.97 per cent in France, 2.36 per cent in Italy and 1.06 per cent in Germany. As at 31 December 1995, Spain had had 36,315 cases, with a mortality rate of 60 per cent. Since 1994, 7,000 additional cases had been reported every year to the National Register.

9. Replying to Mr. Adekuoye, he said that the national health services gave priority to treatment of tuberculosis, diabetes, cancer and cardiovascular diseases. Spain had recorded 10,700 cases of tuberculosis in 1985, 7,602 in 1990 and 7,625 in 1995. The slight increase in 1995 had been due to the growing resistance of the tuberculosis virus to antibiotics, as various World Health Organization studies had shown. The incidence of cardiovascular disease had declined slightly from 368 cases per 100,000 inhabitants in 1975 to 344 cases in 1990. The incidence of cancer had been 147 cases per 100,000 persons in 1975, 200 in 1985 and 217 in 1990. Diabetes had increased slightly from 18.5 per cent in 1975 to 22 per cent in both 1985 and 1990.

10. Replying to Mr. Ahmed, he said that the health legislation guaranteed medical cover for all Spaniards and foreigners living in Spain. Tourists usually had their own individual health insurance, and foreigners staying in Spain for a specific period were usually covered by bilateral agreements. The Red Cross hospitals provided free treatment.

11. Local mayors in Spain knew whether there were any shanty towns in their communes and how many people lived in them. It was rather difficult to obtain figures, but he did have for the Committee a computer diskette containing health indicators provided by the Ministry of Health. The indicators included information about the fitness of housing for occupation; it would thus be easy to deduce the number of persons living in unfit accommodation, including shanty towns. He could inform Mr. Wimer Zambrano that the Ministry of Public Works had information on the subject.

12. Mr. TEXIER asked the Spanish delegation whether there had been any cases of transmission of AIDS by blood transfusion in Spain in the first half of the 1980s.

13. Mr. GONZALEZ DE LINARES (Spain) said that there had. Supplies of contaminated blood had unfortunately been used in Spain. The victims and their close relatives had been compensated by the National Health Institute. However, he did not have any specific information about any possible legal action taken in the matter.

14. Replying to a question from Mr. Texier, he said that representatives of the autonomous communities, non-governmental organizations (NGOs) and other sectors of civil society, together with independent experts, had been involved in the preparation of Spain's periodic reports. That work was thus part of a public procedure widely reported in the press and other media. As far as he knew, the only report which had been widely publicized in Spain had been its initial report to the Committee on the Rights of the Child, which had been disseminated in Spain by the Office for Legal Protection of Minors.

15. Replying to a question from Mr. Rattray about the report submitted by the Ombudsman, he said that penalties were provided in the new Criminal Code for civil servants who committed racist or xenophobic acts. Accordingly, such offences did not go unpunished and were not tolerated in practice. Pursuant to article 23 of the new Criminal Code, racist, xenophobic and anti-Semitic behaviour constituted aggravation of an offence. The new Criminal Code also prohibited advocacy of racism or genocide and stipulated sentences of imprisonment and dismissal for State employees who refused to provide a public service for any reason connected with sex, race or ethnic, national or religious affiliation.

16. In reply to another question from Mr. Rattray, which had been taken up by Mr. Thapalia, he said that human rights were included in the curricula of police schools at all levels. The training of senior officers dealt in particular with the functioning and activities of the European Court of Human Rights, and the basic training provided for junior officers gave emphasis to the protection of human rights. Students in the Guardia Civil training centres studied the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and, in particular, the Council of Europe Directive on police training and relations with immigrants and ethnic groups. Independent experts were invited to give lectures in the training centres on the European Convention on Human Rights and on international humanitarian law.

17. Spain was one of the two countries which had a centre, the Avila Academy, for training members of the police and armed forces in United Nations peace-keeping operations. The experience gained during such operations fostered the development of a sense of civic responsibility and respect for human rights in Spain's forces of law and order.

18. Mr. NUNEZ (Spain), replying to a question from Mrs. Bonoan-Dandan, who had mentioned the concern of a Spanish trade union that economic, social and cultural rights were not respected in the Basque region, said it should be remembered that the fundamental principles of political organization in Spain, described in paragraphs 1-11 of the third periodic report, emphasized the unitary but very decentralized structure of Spain's political institutions, which included 19 autonomous communities enjoying extensive powers. Moreover,

article 146 of the Constitution provided that powers not assumed by the autonomous communities were automatically exercised by the State and vice versa.

19. Mrs. BONOAN-DANDAN asked whether what Mr. Nuñez had said about the political structure of the Spanish State meant that some matters connected with Spain's obligations in the field of economic, social and cultural rights constituted an ill-defined "grey area" between the State and the autonomous communities.

20. Mr. NUÑEZ (Spain) said that he had not intended in his reply to gloss over the issue of the international responsibilities of the Spanish State. In many areas the State and the autonomous communities collaborated to secure their individual or common objectives. In the event of conflict, a procedure was available for delimiting the respective spheres of competence of the State and the autonomous communities. There could not therefore be any "grey area".

21. Mr. ADEKUOYE asked whether Spain's admission to the European Union and the substantial grants which it had received were not part of the reason for a degree of economic stagnation due in particular to inflation and some loss of competitiveness. Might not all those factors complicate the fight against unemployment?

22. Mr. NUÑEZ (Spain) said that Spain's joining of the European Union had indeed created some difficulties in employment. For example, in order to increase the country's economic competitiveness the Government had introduced rationalization measures which had perhaps created short- and medium-term unemployment. However, it was to be hoped that the increased competitiveness of the Spanish economy would enable Spain to penetrate economic sectors of high employment.

23. The CHAIRPERSON thanked the Spanish delegation for its replies, patience and spirit of cooperation and for the competence of its experts, all of which had enabled the Committee to obtain a clearer idea of the way in which the Covenant was implemented in Spain.

24. Mr. NUÑEZ (Spain) assured the Committee that the consideration of the third report had been an extremely enriching experience for the Spanish delegation. He thanked the Committee for putting such specific questions, which had reflected a profound knowledge of the facts of life in Spain, and for its dedication to the implementation of economic, social and cultural rights in Spain. He reaffirmed the determination of the Spanish Government to do everything possible to ensure the exercise of the rights contained in the Covenant and the various international human rights instruments to which Spain was a party.

The public part of the meeting rose at 11.30 a.m.